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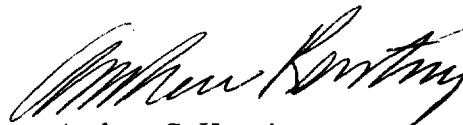
Re: Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service
MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith on behalf of Pappas Telecasting of America, A California Limited Partnership, are an original and 11 copies of its "Reply to Partial Opposition to Petition for Reconsideration," which is being filed in connection with the Commission's *Report and Order* in MM Docket No. 87-268, *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting
Counsel for Pappas Telecasting of America,
A California Limited Partnership

Enclosures

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BEFORE THE
Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the Existing) MM Docket No. 87-268
Television Broadcast Service)

To: The Commission

**REPLY TO PARTIAL OPPOSITION TO
PETITION FOR RECONSIDERATION**

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), by its counsel, hereby replies to the "Opposition to Petition for Reconsideration," filed May 4, 1998 ("Partial Opposition"), in the above-captioned proceeding by Lee Enterprises, Inc. ("Lee Enterprises").¹ In reply, the following is stated:

In its Partial Opposition, Lee Enterprises claims that Pappas' proposal to substitute DTV Channel 2 for the DTV Channel 23 allotment at Huntington, West Virginia, is a "flawed solution to the co-channel allotment conflict" Partial Opposition, p. 1. Specifically, Lee Enterprises contends that the operation of Station WSAZ-TV on DTV Channel 2 would result in a prohibited level of new interference to its viewers because the interference-free population for WSAZ-TV's digital service would decrease by 2.3%, which exceeds the 2% *de minimis* standard set forth in the

¹ Lee Enterprises is the licensee of Station WSAZ-TV, Huntington, West Virginia, which has been allotted DTV Channel 23 in the new DTV Table of Allotments. See *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268, FCC 98-24 (released February 23, 1998) ("MO&O"), Appendix B-48.

Commission's *MO&O*.² Lee Enterprises also claims that, if WSAZ-TV were to operate on DTV Channel 2, it would be 23.1 kilometers short-spaced to Station WDTN(TV), NTSC Channel 2, Dayton, Ohio, and would cause prohibited levels of new interference to that station. According to Lee Enterprises, WDTN would suffer a 2.3% increase in interference, which also exceeds the 2% *de minimis* standard.³ *Id.* at 2.

Despite the arguments raised in the Partial Opposition, Pappas believes that the proposed substitution of DTV Channel 2 for the DTV Channel 23 allotment at Huntington would serve the public interest. The engineering statement in support of the Partial Opposition indicates that WSAZ-TV can increase its operating power to 4.5 kW at 388 meters above average terrain. *See* Partial Opposition, Engineering Statement, pp. 3-4. Pappas believes that, by operating with the increased power and utilizing a directional antenna on DTV Channel 2, WSAZ-TV should be able to provide adequate protection to the NTSC Channel 2 operation of Station WDTN, Dayton, and still match (if not exceed) its current NTSC service area. If the Commission were adopt this proposal and substitute DTV Channel 2 for the DTV Channel 23 allotment at Huntington, Pappas would be willing to reimburse Lee Enterprises for the additional engineering and related expenses it may incur in directionalizing its signal and effectuating this proposal.

Furthermore, even assuming, *arguendo*, that the Commission elects not to substitute DTV Channel 2 for the DTV Channel 23 allotment at Huntington, Lee Enterprises has not opposed

² *See MO&O*, ¶80.

³ Lee Enterprises also notes that because WDTN, Dayton, already receives interference to more than 10% of its Grade B population, the proposed substitution of DTV Channel 2 for DTV Channel 23 at Huntington would be permissible only if it caused no new interference to WDTN. Partial Opposition, p. 2.

Pappas' alternative proposal of substituting an alternative NTSC channel for the existing NTSC Channel 23 allotment at Charleston, West Virginia. Indeed, Lee Enterprises expressly states:

Should the Commission elect to allow Pappas to amend its pending application to specify operation on one of those vacant allotments, Lee Enterprises *would have no objection*.

Partial Opposition, p. 3 (emphasis added). The Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments:

[W]e will make changes to the DTV Table where such changes have the agreement of all affected broadcasters or do not result in additional interference to other stations or allotments, and do not conflict with our other DTV allotment goals

MO&O at ¶187.

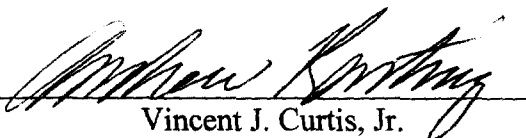
As shown in the engineering materials attached to Pappas' Petition for Reconsideration ("Petition"), the substitution of either NTSC Channel 55 or 58 for the existing Channel 23 allotment at Charleston would not cause interference to any other NTSC or DTV facility, especially the proposal to substitute Channel 55. Although an NTSC Channel 55 facility operating at Charleston would be short-spaced to a pending application for a Channel 69 facility at Paintsville, Kentucky, the Commission made clear in its *Report and Order* in ET Docket No. 97-157, *Reallocation of Television Channels 60-69, the 746-806 MHz Band*, 12 FCC Rcd 22953 (1998), that it will not authorize any new analog full-service television stations on channels 60-69. Instead, the Commission stated that it would provide these pending applicants and rulemaking petitioners "an opportunity to amend their applications and petitions, if possible, to seek a channel below channel 60," and would dismiss any applications or rulemaking petitions that are not amended to specify a suitable alternative channel. *Id.* at ¶40. Therefore, because Lee Enterprises has effectively consented

to Pappas' alternative proposal, and that proposal will not result in additional interference to other stations and/or allotments, or otherwise conflict with the Commission's DTV allotment goals, the Commission should direct Pappas to amend its pending NTSC application to specify operation on either Channel 55 or 58, in lieu of Channel 23. As demonstrated in Pappas' Petition, the grant of Pappas' alternative proposal of substituting a suitable alternative NTSC channel will provide substantial public interest benefits, including promoting the emergence and development of new networks.

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, A California Limited Partnership, respectfully requests that the Commission GRANT reconsideration of its *MO&O* to the extent indicated herein by substituting DTV Channel 2 for the DTV Channel 23 allotment at Huntington, West Virginia, or, alternatively, substituting either NTSC Channel 55 or Channel 58 for the existing allotment of NTSC Channel 23 at Charleston, West Virginia.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,
A CALIFORNIA LIMITED PARTNERSHIP

By: 
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June 10, 1998

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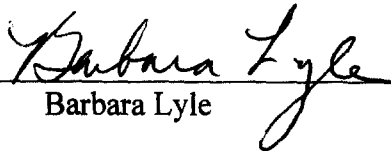
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 10th day of June, 1998, copies of the foregoing "Reply to Partial Opposition to Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

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